

REMARKS

Upon entry of the present amendments, claims 1-27 will be pending. Claim 16 has been amended to correct an informality. The specification has been amended in response to the Office Action's requirements for the reference to VELCRO®. Replacement sheets for the sheet containing Figures 1A, 1B, and 1C and the sheet containing Figure 4 are enclosed. New claims 24-27 have been added (support for which can be found throughout the specification, e.g., Figure 2B). No new matter has been added.

Drawings

Figure 1A has been amended to show fasteners 23a and 23b as recited by claims 4 and 14. Applicant disagrees that the figures fail to show the pocket as recited in claims 9 and 15 and request that this objection be withdrawn. Figure 3 depicts "a front view of one embodiment of the present invention depicting optional features such as a waistband 26 and a pocket 28." [0025, 0032]. Figure 4 has been amended to depict optional attachment with a fastener 101 of an undergarment to an overgarment of the present invention.

Claim Objections

Claim 16 has been amended to respond to correct an informality. Although Applicant disagrees that separate support in the text of the specification is necessary regarding claim 21 (as-filed claims are part of the specification), support for claim 21 has been added to paragraph [0033].

35 U.S.C. §103 Claim Rejection based on Stevenson and Lonon

Claims 1-8, 10-14, 16-19, and 22 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 5,239,706 (Stevenson) in view of U.S. Patent No. 4,835,795 (Lonon). Applicant respectfully traverses this rejection as the combination of Stevenson and London fail to teach or suggest Applicant's claimed invention.

The present invention is generally directed to undergarments for women which comprise a front panel comprising a first free edge; a back panel; a left leg band attached to said front panel and said back panel; a right leg band attached to said front panel and said back panel; a crotch panel comprising a second free edge, a left casing, and a right casing, wherein said crotch panel is fixably attached to said back panel, wherein said left casing

slidably engages with said left leg band, and wherein said right casing slidably engages with said right leg band; thereby providing a crotch panel which is slidable from front to back.

Neither Stevenson nor London teaches or suggests a crotch panel that is slidable from front to back. Significantly, the Office Action cites to Stevenson as disclosing a slidable crotch panel, affixed to a front panel, which opens from back to front (col. 4, lines 18 – col. 6, line 48). The slidable crotch panel of Stevenson has casings which slide along both a pair of leg bands, which surround leg openings, and a pair of straps, which extend up the outside of the garment spaced apart. (e.g., col. 6, lines 16-18). The spacing of the straps broadens as they extend up the outside of the garment in order to account for the bulk of fabric needed to slide the crotch into a closed position such that the closure overlaps up the backside along the outside of the garment, away from a point of stress. Stevenson discusses that “[i]t is preferred that the overlap is at least 50% of the rear panel” (col. 6, 24-25). In the open position, one portion of the crotch panel of Stevenson gathers in folds about the leg bands and straps and another portion of the crotch panel only folds about the straps (col. 6, lines 38-48). There is no structure separate and apart from the leg bands and straps in Stevenson, however, to keep the bulk of the crotch panel releasably securely in an open position.

Lonon discusses “body suit and underpants with self-gripping fasteners.” A “seat flap” which opens at front panel is shown (e.g., Figures 1 & 2). When the seat flap is unfastened from the front panel, it can be secured to the upper back portion of the garment (col. 1, lines 48-52).

Applicant respectfully asserts that it would not have been obvious, as the office action states, to “modify the Stevenson undergarment with the teaching of Lonon to provide a front crotch opening edge access.” The bulk of the crotch panel of Stevenson is simply not amenable to an opening in the front. It would not be possible to create an opening in the front panel of Stevenson and then slide the resulting crotch panel along both leg bands and straps towards the rear because the narrower front end of the crotch panel would not be able to be completely slid out of the way due to the width of the bands and straps towards the back panel of the garment. The present invention is free of the extra straps recited by Stevenson as well as the extra bulk required to secure the crotch panel up the rear panel. In addition, unlike Stevenson, the crotch panel of the present invention can be releasably secured in an open position.

Applicant asserts that a skilled artisan looking at Stevenson would not have been motivated to incorporate the front opening of Lonon and come up with the combination of the present invention. The references simply do not provide motivation to simplify Stevenson in a way to incorporate the Lonon front opening feature. Moreover, had such a combination been made, the result would not have been the claimed invention, but something unworkable due to the bulk of the crotch panel associated with Stevenson. As such, the Office Action fails to establish *prima facie* obviousness, and Applicant requests that the rejection under 103 over Stevenson in view of Lonon be reconsidered and withdrawn.

Likewise, one of skill in the art, looking at Lonon would not have been motivated to combine it with the undergarment of Stevenson to come up with the claimed invention. Nothing in Lonon suggests that it would be desirable to incorporate features of Stevenson. As discussed above, even had such a combination been suggested, the result would not have been the claimed invention. The Office Action, therefore, fails to establish *prima facie* obviousness, and Applicant requests that the rejection under 103 over Stevenson in view of Lonon be reconsidered and withdrawn.

Further, the teaching by Stevenson to overlap the crotch panel by at least 50% of the rear panel teaches away from newly added claims 24-27, which recite that the crotch panel is adapted to slide underneath the free edge of the front panel. Neither Stevenson nor Lonon teaches such. For this additional reason, newly added claims 24-27 are free of the cited art.

35 U.S.C. §103 Claim Rejection based on Stevenson, Lonon, and Cook

Claims 9 and 15 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Stevenson and Lonon in view of U.S. Patent No. 6,308,340 (Cook). For the reasons set forth above with respect to claims 1-8, 10-14, 16-19, and 22, Applicant respectfully submits that this rejection is rendered moot. Reconsideration and withdrawal of the rejection is requested.

35 U.S.C. §103 Claim Rejection based on Stevenson, Lonon and Cruz

Claims 20, 21, and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Stevenson and Lonon in view of U.S. Patent No. 3,840,900 (Cruz). Applicant respectfully traverses this rejection as the combination of Stevenson, Lonon, and Cruz fail to teach or suggest Applicant's claimed invention.

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Cruz discusses a "body shirt for men." In so doing, Cruz fails to teach or suggest the claimed combinations of claims 20, 21, and 23. Cruz does not disclose two separate garments, namely an undergarment and an overgarment. Accordingly, Cruz does not attempt to provide a way to affix two separate garments together. As the Office Action states, neither Stevenson nor Lonon provide releasable and fixable attachment of the undergarment to the overgarment. Thus, none of the cited references provides each recited claim element, and the Office Action fails to set forth *prima facie* obviousness for claims 20, 21, and 23.

Reconsideration and withdrawal of this rejection is requested.

Moreover, the Office Action has failed to provide any sort of motivation whatsoever to combine the Stevenson, Lonon, and Cruz references. For this additional reason, the Office Action fails to establish a *prima facie* case of obviousness and applicant respectfully requests that the 103 rejection over Stevenson and Lonon in view of Cruz be reconsidered and withdrawn.

In light of the foregoing, Applicant asserts that Stevenson and the rest of the cited art fail to teach or suggest all of the elements of claims 1-27. As such, this application is in condition for allowance. Applicant invites the examiner to contact the undersigned at (215) 557-5965 to clarify any unresolved issues raised by this response.

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Karen Millane Whitney
Karen Millane Whitney
Registration No. 52,355

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439